

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARILYN BEAL, *also known as*  
MARILYN BRUCE,

Plaintiff,

-against-

BANK OF AMERICA, NA,  
Defendant.<sup>1</sup>

**ORDER**

14-CV-5455 (RRM) (LB)

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ROSLYNN R. MAUSKOPF, United States District Judge.

On September 15, 2014, plaintiff submitted this *pro se* action pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692. Plaintiff's submission did not include the requisite filing fee or *in forma pauperis* ("IFP") application.<sup>2</sup> By letter dated September 19, 2014, plaintiff was provided with the proper forms and instructed that in order to proceed, she must either pay the fee or return the completed IFP application within 14 days from the date of the letter.

Plaintiff did not respond to the Court's letter. Accordingly, the action is dismissed without prejudice.

The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal.

*See Coppededge v. United States*, 369 U.S. 438, 444–45 (1962).

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<sup>1</sup> Plaintiff originally captioned this action listing defendant as "Alleged Plaintiff" and plaintiff as "Defendant in Error." The Clerk of the Court is directed to change the caption to conform to the one used in this order. The submission, entitled "Consumer Notice of Dispute of Debt," is also captioned for the Supreme Court of the State of New York, County of Kings ("Kings County Supreme Court"), Index No. 0503016/2012. The Court notes that a residential foreclosure proceeding, *Bank of America v. Beal, Marilyn*, is currently pending in Kings County Supreme Court under Index No. 0503016/2012. *See WebCivil Supreme*, N.Y. UNIFIED CT. SYS., <https://iapps.courts.state.ny.us/webcivil/FCASMain> (last visited Dec. 16, 2014).

<sup>2</sup> Defendant may have been attempting to file a notice of removal or a new action. Both require the filing fee or an IFP application.

The Clerk of Court shall mail a copy of this Memorandum and Order, and the accompanying Judgment, to petitioner and note the mailing on the docket.

SO ORDERED.

Dated:                   Brooklyn, New York  
December 22, 2014

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge